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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,705	03/22/2004	Hideaki Tsushima	655-022nc2	2611
39600	7590	05/18/2005		
SOFER & HAROUN LLP. 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			EXAMINER SINGH, DALZID E	
			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,705

Applicant(s)

TSUSHIMA ET AL.

Examiner

Dalzid Singh

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17 is/are rejected.
- 7) ☒ Claim(s) 18-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami et al (JP 09-027975A).

Regarding claim 17, Kawakami et al discloses optical cross connect device, as shown in Fig. 1, comprising:

a plural number of first transmission apparatuses (there are shown plural number of first transmission apparatus (41)), being provided corresponding to a plural number of first optical signal transmission paths, one by one, for receiving optical signals from said first optical signal transmission paths corresponding thereto (the transmission path, coupled to the first transmission apparatuses, corresponds to plural number of transmission apparatuses for receiving the optical signal);

a plural number of second transmission apparatuses (there are shown plural number of second transmission apparatus (42)), being provided corresponding to a plural number of second optical signal transmission paths, one by one, for transmitting optical signals to said second optical signal transmission paths corresponding thereto (the transmission path, coupled to the second transmission apparatuses, corresponds to plural number of transmission apparatuses for transmitting the optical signal); and

an optical circuit (12) being able to transmit the optical signals output from said first transmission apparatuses (41) to an arbitrary one of said second transmission apparatuses (42), wherein each of said first transmission apparatuses, comprises:

a first wavelength demultiplexer (22a) for dividing the optical signal received from said first optical signal transmission path into an optical signal of a first wavelength and other optical signals having wavelengths other than that, thereby providing the optical signals of the wavelength other than said first wavelength as an output to said optical circuit (the extracted wavelength is considered as a first wavelength and the non-extracted as other wavelength which directed to the switch (12)); and

a receiver (23) for converting said optical signal of said first wavelength, which is separated from within said first wavelength demultiplexer, into an electric signal, and wherein each of said second transmission apparatuses, comprises:

a light source (25) for outputting an optical signal; and

a first wavelength multiplexer (22b) for multiplexing output from said optical circuit, and the optical signal transmitted from said light source.

Kawakami et al disclose optical cross connect device as discussed above and differ from the claimed invention in that Kawakami et al does not specifically disclose that the light source (25) is outputting an optical signal of said first wavelength.

However, since the first wavelength was extracted to be received by the receiver it would have be obvious to a person of ordinary skill in the art at the time the invention was made to modify the transmitter of Kawakami et al in order to transmit a first

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wavelength. One of ordinary skill in the art would have been motivated to transmit the first wavelength so that the total power level will be maintained and reduce crosstalk.

Allowable Subject Matter

3. Claims 18-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (571) 272-3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/20/2004
Dalzid Singh